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March 2, 2016

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Eastern District of New York
500 Pearl Street
New York, New York 10007

Re: *Shaw v. City of New York, et al.*, 14-CV-1239 (LTS)

Your Honor:

I represent the plaintiff in this civil rights action. I write, with the consent of defense counsel, to request that this matter be reopened to allow plaintiff to make a motion for reasonable attorney's fees. Plaintiff apologizes for his delay in making this application.

On December 13, 2015 plaintiff accepted defendants' Rule 68 Offer of Judgment of \$35,000. On December 14 defendants informed The Court that the "parties reached an agreement and are in the process of executing settlement paperwork" and on December 15, 2015 Your Honor ordered that this matter would be dismissed with prejudice if there was no application to reopen within thirty days.

Unfortunately, the parties have been unable to resolve the issue of attorney's fees. Accordingly, plaintiff respectfully requests that this matter be re-opened. In the interim, the parties will attempt to resolve this issue themselves. Plaintiff again apologizes for the untimeliness of this application.

Respectfully,

/ss/

Robert Marinelli

Copy: Alexander Noble, Esq. (by ECF)